

EXECUTIVE CABINET MEMBER FOR ENVIRONMENTAL SERVICES

A record of decisions made by the Executive Cabinet Member with responsibility for Environment Services, Highways, Transport and Community Services and Neighbourhood Services Police and Community Safety :-

WEDNESDAY, 10th MAY, 2017

Following consideration of the matters detailed below in the presence of:-

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| Councillor Peel | Executive Cabinet Member for Environmental Services |
| Councillor Watters | Cabinet Member for Social Inclusion, Voluntary Sector and Community Services |
| Councillor Chadwick | Cabinet Member for Special Projects, Transport and Skills |
| Councillor Burrows | Cabinet Member for Neighbourhood Services, Police and Community Services |
| Councillor Haslam | Major Opposition Spokesperson |
| <u>Officers</u> | |
| Mr. S. Young | Director of Place |
| Ms. K. Hopkins | Interim Assistant Director Neighbourhood and Regulatory Services |
| Mr. A. Bolan | Environmental Regulation and Enforcement Manager |
| Mr. S. Walsh | Senior Engineering Manager |

Mr. D. Shepherd

Policy Accountant

Mr. I.D.Mulholland

Principal Democratic Services
Officer

73. MONITORING OF EXECUTIVE MEMBER DECISIONS

The Borough Solicitor submitted a report which set out details of the decisions made at previous meetings and the progress on each to date.

The Executive Cabinet Member NOTED the report.

74. WINTER BUREAU SERVICE AND MAINTENANCE CONTRACT 2017-2022

The Director of Place submitted a report which sought approval to procure and award the Winter Bureau Service and Maintenance Contract, 2017 -2022.

The report explained that as part of the Council's winter service delivery the Council relied on a Winter Bureau Service and Maintenance contract. This contract covered the maintenance of the Council's weather stations and the provision of a management software package.

Previously, the ten Council's in Greater Manchester awarded one framework agreement for Winter Bureau Services for a period of 3 years from 1 October, 2012 with an option to extend the contract for a period of up to 2 years. Each of the AGMA Authorities has the right to place orders under this framework. The contract was due to expire on 30th September, 2017 and, therefore, it was necessary to make arrangements for continued service delivery post this date.

It was proposed that a shared AGMA tender was undertaken with a view to awarding a new contract, to commence on the expiry of the existing contract.

The report explained that STAR Procurement (shared procurement service for Stockport, Tameside and Rochdale Councils) had offered to procure the contract on behalf of the AGMA Authorities, at no charge.

The Executive Cabinet Member was advised that the annual cost to Bolton was anticipated to be between £13 - £20k. Taking into

account those values, the total value of the contract for Bolton should range from £65k-£100k.

Following a recommendation from the Cabinet Member for Housing, Procurement and Highways the Executive Cabinet Member APPROVED -

- (a) the contract spend, as detailed in the report;
- (b) the procurement of the maintenance of the Council's weather stations and the provision of a management software package through a shared AGMA Authorities tender exercise and note the procurement process as detailed in the report;
- (c) the waiving of Standing Orders relating to Contracts to enable the tender for the maintenance of the Council's weather stations and the provision of a management software package to be advertised in accordance with the lead authority's tendering procedures;
- (d) to delegate authority to the Borough Solicitor to carry out all necessary legal formalities.

75. BUSINESS WASTE MANAGEMENT ENFORCEMENT

The Director of Place submitted a report which set out proposals to modify the enforcement process to deal with malpractice connected with the disposal of trade waste.

The report explained that over the last two years Bolton Council had employed two dedicated enforcement officers whose role had been to visit businesses in the Borough and inspect waste transfer notes or written proof of waste disposal from any producer of commercial waste. During this process the Council has identified large scale exploitation by businesses / companies that had gone to great length to avoid legitimate waste disposal practices.

The report went onto explain the detail of the investigation that officers had undertaken and their findings.

The report also advised the Executive Cabinet Member that the trade waste enforcement process was no longer fit for purpose and the report set out proposals for the adoption of revised arrangements.

The Executive Cabinet Member NOTED the recommended alterations to the current Trade Waste enforcement process and agreed the new streamlined enforcement approach, as detailed in the report.

76. ADOPTION OF FIXED PENALTY NOTICES FOR FLY TIPPING OFFENCES

The Director of Place submitted a report which put forward a proposal to adopt new measures to address fly-tipping which would enable the issue of on the spot penalty fines for anyone caught in the act of fly tipping.

The report reminded members that fly-tipping was a criminal offence and one of the most common forms of anti-social behaviour that posed significant environmental, social and financial problem nationally and in Bolton.

Local figures showed that over a five year period, Bolton had averaged around 3700 incidents although the latest data revealed that fly tipping reports had decreased in the 2016/17 period. The future outlook was positive with figures set to continue to fall.

A robust programme of education had been undertaken by the Council to promote the zero tolerance policy adopted towards fly tipping and the consistent and robust approach exercised whereby any individual suspected of being involved in a fly-tipping offence would be automatically challenged, investigate and dealt with accordingly. However, the only recourse had been a prosecution or simple formal caution.

The report went on to advise that the Government had introduced the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force on 9th May, 2016. These Regulations had amended the Environmental Protection Act 1990 by the insertion of a new Section 33ZA which gave local authorities new powers to issue fixed penalty notices for various offences including medium scale fly tipping. The new Regulation would offer authorities an alternative remedy to prosecutions and enable the Council to act more efficiently when dealing with offenders as the fixed penalty notice would provide a quicker alternative to prosecuting fly tippers through the Courts whilst still leaving prosecution as an option for

punishing large scale waste criminals and waste offenders and in cases where there were factors such as abusive or threatening behaviour towards staff.

In this regard, the report went on to outline how the Council would make use of the new powers and sought approval to set the Fixed Penalty fine at £400, reduced to £300 for payment within 10 days.

The Executive Cabinet Member -

- (i) NOTED the Unauthorised Deposit of Waste (Fixed Penalties) regulations 2016 that came into force on 9th May 2016.**
- (ii) Approved that the penalty charge for Unauthorised Deposit of Waste (Fixed Penalty Notice) be set at £400.**
- (iii) Approved that the Council will continue to prosecute serious cases (e.g. the scale of the incident or whether it contains any form of hazardous or special waste regardless of size) and suspected repeat offenders through the Court, together with those who fail to pay the Fixed Penalty Notice. The Council will also consider prosecution where there are aggravating circumstances to an offence, such as the use of abusive or threatening behaviour towards staff.**

77. BODY WORN VIDEO AND USE OF CCTV ON WASTE OPERATION VEHICLES

The Director of Place submitted a report which sought approval for the use of Body Worn Cameras by Enforcement Officers and the use of CCTV on Operational Refuse Vehicles in the interests of the health of safety of Council staff employed in waste enforcement and refuse collection and members of the public.

The report advised members that the Council had been awarded capital funding for Environmental crime prevention and Health and Safety and

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the Council proposed the use of the monies for the purchase of Body Worn video cameras and CCTV, full details of which were provided in the report.

The report outlined the benefits of purchasing such equipment which would assist in the evaluation of allegations made against officers by the provision of direct evidence of the incident.

Full details of how use of the equipment would be monitored and the associated responsibilities with its use were outlined in the report.

The Executive Cabinet Member APPROVED –

- (i) The use of Body Worn Cameras by Enforcement Officers/Authorised Personnel, on the basis detailed in the report now submitted; and**
- (ii) The activation of CCTV being fitted to refuse vehicles for the health and safety of employees and members of the public.**